

Deposition of Tzer Waters, taken December 15, 2022

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION

TATIANA (TANYA) SHERMAN PLAINIFF  
VS. NO. 1:21-CV-190-GHD-DAS  
ITAWAMBA COMMUNITY COLLEGE,  
JOE LOWDER, TZER NAN WATERS,  
AND DR. JAY ALLEN DEFENDANTS

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DEPOSITION OF TZER NAN WATERS

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TAKEN AT THE INSTANCE OF THE PLAINTIFF  
IN THE LAW OFFICES OF PHELPS DUNBAR, LLP  
105 EAST MAIN STREET, TUPELO, MISSISSIPPI  
ON DECEMBER 15, 2022, BEGINNING AT 2:35 P.M.

APPEARANCES NOTED HEREIN

Reported by: PHYLLIS K. McLARTY, RMR, FCRR, CCR #1235

ADVANCED COURT REPORTING  
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Also Present:

TATIANA SHERMAN  
JOE LOWDER, Appearing Via Zoom

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STIPULATIONS

1. It is hereby stipulated by and between counsel that the deposition of Tzer Nan Waters may be taken on behalf of the Plaintiff at the time and place set forth herein and be reported by Phyllis K. McLarty, RMR, FCRR, CCR #1235.

2. That all objections as to the notice of the time and place of the taking of this deposition are hereby waived.

3. That all objections except as to the form of the questions are reserved until the time of the trial.

4. That the reading of the testimony to or by the witness and signing thereof by the witness are not hereby expressly waived.

1                   TZER NAN WATERS, AFTER BEING DULY SWORN,  
2                   WAS EXAMINED AND TESTIFIED AS FOLLOWS:

3                                   EXAMINATION

4       BY MR. WOODRUFF:

5           Q.     Please state your full name for the record.

6           A.     Tzer Nan Waters.

7           Q.     And I've seen a lot of people call you TZ; is  
8       that correct?

9           A.     That's correct.

10          Q.     What is your current home address?

11          A.     1104 Dogwood Drive; Tupelo, Mississippi 38801.

12          Q.     And your phone number?

13          A.     Cell phone number is 662-213-4500.

14          Q.     Are you currently employed?

15          A.     Yes.

16          Q.     Where do you work?

17          A.     Itawamba Community College.

18          Q.     How long have you worked at Itawamba Community  
19       College?

20          A.     Since 2005.

21          Q.     What is your current job or title?

22          A.     Director of Workforce Education.

23          Q.     How long have you had that position or title?

24          A.     October 2018.

25          Q.     October 2018 --

1 A. Yes.

2 Q. -- is that correct?

3 A. That's correct.

4 Q. And who -- what was your title or position prior  
5 to October of 2018?

6 A. Lead Workforce trainer.

7 Q. Lead Workforce trainer?

8 A. (Nods head up and down.)

9 Q. Was that full or part-time?

10 A. Full-time for two years. I started 2016 to  
11 2018. Before that, yeah, when I was part-time.

12 Q. So, 2016 to 2018, you were full-time. Were you  
13 part-time before that?

14 A. Yes, sir.

15 Q. How long were you part-time?

16 A. 2005 to 2015. About ten years maybe. Yeah.

17 Q. When you were part-time, did you have other  
18 duties or job at ICC, or was that your -- just -- you  
19 were just a part-time employee?

20 A. That is my part-time --

21 Q. I know.

22 A. -- at ICC.

23 Q. I understand you were part-time as a trainer,  
24 but did you have other duties at ICC, or that was -- you  
25 were just a part-time employee total?

1           A.     That's correct.

2           Q.     Okay. Got you. What is your education?

3           A.     I have a bachelor degree in biological  
4 engineering and a master's in industrial engineering.

5           Q.     What did you do before, I believe, 2005 when you  
6 went to work for ICC?

7           A.     Okay. I worked at Lane Furniture.

8           Q.     I'm sorry?

9           A.     Lane. Lane Furniture for a few years.

10          Q.     From when to when?

11          A.     2002 or 2003 to 2005. I don't exactly remember.

12          Q.     And what was your title or position?

13          A.     Project engineer.

14          Q.     Why did you leave working for Lane?

15          A.     I was laid off.

16          Q.     I'm sorry. What did you say you had your  
17 master's in?

18          A.     Mississippi State University.

19          Q.     In what?

20          A.     Oh. In industrial engineering.

21          Q.     Industrial engineering. What year did you get  
22 your master's in industrial engineering?

23          A.     Say that again, please.

24          Q.     What year did you get your master's degree?

25          A.     Master's degree is 1990 -- gosh -- '96 or '95.

1 I don't remember. It's '96.

2 Q. What year did you get your biological  
3 engineering degree?

4 A. '94. '94.

5 Q. You were probably there when my brother was  
6 there. He's an industrial engineer from Mississippi  
7 State.

8 A. Oh, yeah?

9 Q. Graduated from Mississippi State back in about  
10 '93 or '94.

11 A. Uh-huh.

12 Q. Let's talk about this case here. When -- before  
13 you became the Director of Workforce Management, did you  
14 have dealings with Ms. Sherman?

15 A. Yes.

16 Q. And what -- how would you interact with her? In  
17 what capacity would y'all interact? Would your jobs  
18 overlap before you became her boss?

19 A. When we had company that reach out for -- to  
20 request for training, then I would -- Ms. Sherman and I  
21 would communicate as far as the type of training, the  
22 hours of training, and the dates of training.

23 Q. Who was your -- when you were -- and let's just  
24 say, like, when you went full-time -- I think you said  
25 you went full-time in 2016?



1           A.     Right about there.

2           Q.     Who was your -- who did you report to at that  
3     time? Who was your boss?

4           A.     I think it was Leigh Oswalt maybe. There might  
5     be -- there might be an overlap of Ms. Gillespie and  
6     Ms. Oswalt.

7           Q.     And was -- were they -- at the time they were  
8     your boss, were they the Director of Workforce --

9           A.     Yes.

10          Q.     Okay. So your -- you worked -- even though the  
11     trainers work in the same department as the Workforce  
12     managers like Ms. Sherman; correct?

13          A.     Yes.

14          Q.     With the same boss?

15          A.     Yes.

16          Q.     Got you. During the time -- you were full-time  
17     between -- I believe you said before you -- between 2016  
18     and 2018, before you became the director, did you have  
19     any issues working with Ms. Sherman?

20          A.     No, not that I can remember at this point.

21          Q.     Let me show you what's been introduced --

22                 MR. WOODRUFF: Off the record.

23                 (AFTER A DISCUSSION OFF THE RECORD, THE

24                 DEPOSITION CONTINUED AS FOLLOWS:)

25     BY MR. WOODRUFF:

1 Q. All right. Are you aware that Ms. Sherman got a  
2 poor evaluation in early 2019?

3 A. I was made aware of.

4 Q. Let me show you what was introduced as Exhibit  
5 Number 2.

6 A. Yes, sir.

7 Q. Did you have any role in producing -- or making  
8 decisions about this evaluation?

9 A. This particular?

10 Q. Yes.

11 A. No.

12 Q. It would have been strictly Mr. Lowder --  
13 Dr. Lowder?

14 A. Yes.

15 Q. Okay. Did you review it before it was given to  
16 Ms. Sherman?

17 A. No.

18 Q. Okay. Let me show you Exhibit Number 1.

19 A. Okay.

20 Q. And you know she was put on a PIP March 8 of  
21 2019; correct?

22 A. Yes. On the date here, yes.

23 Q. All right. Did you have any conversation -- did  
24 you have any role in putting her on a PIP?

25 A. No.

1 Q. Did Mr. -- did you have any conversations with  
2 Mr. Lowder prior to her being put on a PIP about why she  
3 was going to be put on a PIP?

4 A. No.

5 Q. So your testimony is that poor evaluation and  
6 the Performance Improvement Plan were strictly from Joe  
7 Lowder?

8 A. Yes.

9 Q. You had no involvement whatsoever in either --  
10 in putting -- in putting that together -- those documents  
11 together or deciding she would be put on a PIP or for  
12 what reason she'd be put on a PIP. Would that be fair?

13 A. Yes.

14 Q. When you became -- and I think you said  
15 October 2018 you became the Director of Workforce  
16 Management. Did -- at that time, did -- did Tanya all of  
17 a sudden start reporting directly to you?

18 A. Yes. Yes. That's right.

19 Q. She would have been a direct report to you at  
20 that point?

21 A. That's right. Yes.

22 Q. Once she became a direct report of yours, from  
23 that time in October up until March of 2019, did you have  
24 any issues with her job performance or the way she was  
25 doing her job?

1           A.    It's -- there are details that -- you know, I  
2 cannot remember everything.

3           Q.    Well, tell me what you do remember.

4           A.    You know, I would give feedback on maybe  
5 corrections on quotes or that I can -- you know, that  
6 I -- I think would be part of that.

7           Q.    Okay. Explain that to me. I'm not sure I  
8 understand what you're saying. Feedback meaning what?

9           A.    Like, you know, if the quote comes to me for  
10 review, there's incorrect information or not enough  
11 information, I would send it back to her to make those  
12 corrections.

13          Q.    All right. Can you give me a specific example  
14 of that between that period of time? Between the time  
15 you became the director and she was issued a PIP, can you  
16 give me an example of a quote that came in or a --  
17 something she submitted that you had to send back and  
18 have some changes made to it?

19          A.    I really cannot remember. I'm sure there are  
20 details and there's documents. I don't -- I can't give  
21 you an example right off the top of my head.

22          Q.    All right. Can you tell me how many times you  
23 had to have her go back and -- and correct or audit or  
24 make changes to documentation submitted to you?

25          A.    If you're -- you're talking about the time

1 period between October of 2018 to March?

2 Q. Yeah. Until the -- I'm talking about --

3 A. Okay. I see.

4 Q. -- from the time you became her boss until this  
5 PIP was issued. I'm trying to understand exactly what --  
6 if you have any criticism --

7 A. Uh-huh.

8 Q. -- of her work or any -- you know, I'm trying to  
9 understand what your testimony is about her work  
10 performance --

11 A. Right. Right.

12 Q. -- during that period of time.

13 A. I don't -- I mean, I don't -- you know, I just  
14 came on board October. So there may be some quotes, you  
15 know, but I don't remember, you know, specifically what  
16 they are, what they could be and -- since I just came on  
17 board. So I got to look at those documents to make sure  
18 that I can tell you a number.

19 Q. So, as you sit here today, you can't tell me  
20 any -- any particular documentation for any --

21 A. To match the dates that you're talking about. I  
22 will have to look it up.

23 Q. But you're claiming -- it's your testimony under  
24 oath that there were submissions made by Tanya during  
25 that period of time that you had to -- you had to have

1 her get corrected. Is that your testimony?

2 A. Between October and March, I cannot tell you  
3 specifically. I have to look at the documents.

4 Q. So, as you sit here today, you can't tell me  
5 that you --

6 A. Right.

7 Q. -- during that period of time you had to have --

8 A. Right.

9 Q. -- any of her paperwork corrected?

10 A. Right. During that time, I cannot tell you  
11 specifically. Correct.

12 MR. GRIFFITH: Objection, Counsel. If you've  
13 got specific documentation -- and there are thousands  
14 of pages that have been produced, 7,000 of them, by  
15 your client -- then present her with the  
16 documentation. Give her a fair chance to respond to  
17 your question.

18 MR. WOODRUFF: I'm asking her questions.

19 MR. GRIFFITH: This is not a game of 60  
20 questions.

21 MR. WOODRUFF: I'm --

22 MR. GRIFFITH: Present her with a document  
23 that's relevant to what you're asking.

24 MR. WOODRUFF: This is totally improper. First  
25 of all, I'm doing the deposition the way I do the

1 depositions. If you don't like it, you can object to  
2 the form, but I'm going to do my deposition the way I  
3 do the depositions. And if you don't like it, then  
4 you can object, but you can't make speaking  
5 objections, as you know.

6 BY MR. WOODRUFF:

7 Q. So, as I -- as you sit here today, you can't  
8 tell me any -- you can't tell me any particular company  
9 that submitted documents -- she submitted documentation  
10 for that was improper?

11 A. I cannot for that time period that you listed.

12 Q. Fair enough. All right. Are you aware -- when  
13 you became the -- the director in October, how many  
14 people -- how many Workforce managers were working under  
15 you at that time?

16 A. Ms. Sherman and -- two. Two -- Jason Spradlin.

17 Q. Just two?

18 A. Yes.

19 Q. How many different companies was Jason  
20 responsible for?

21 A. Maybe ten. Maybe -- maybe ten. Round about ten  
22 maybe.

23 Q. How many was Ms. Sherman responsible for?

24 A. Probably 20 -- 15, 20.

25 Q. Why was she doing twice as many as Jason?

1           A.     In -- I can speak from when I started it. That  
2     was -- as project manager -- she had been a project  
3     manager for a long time. So she has those companies that  
4     she already has that she's working with, and so that --  
5     that explains why she has more.

6           Q.     What are executive accounts?

7           A.     I don't -- I've never heard of that word --  
8     term -- that term you used, executive account, unless you  
9     are referring to a director's project.

10          Q.     I'm sorry. I'm sorry. Director's projects.

11          A.     Director's project?

12          Q.     Yeah. Let's call -- yeah, I misstated. Tell me  
13     what a director's project is.

14          A.     From what I understand when I started the  
15     position, director's project include the Toyota project,  
16     the Toyota company. Those are the kind of projects that  
17     director -- that I can -- that I can remember when I  
18     assumed --

19          Q.     Do you still have --

20          A.     -- that position.

21          Q.     I'm sorry. I didn't mean to interrupt. Do you  
22     still have director's projects?

23          A.     Currently?

24          Q.     Yes.

25          A.     No. We only have just me right now. There's



1 not a project manager.

2 Q. You have no project managers?

3 A. Not currently.

4 Q. What's happened to all those projects that they  
5 used to have with the training? They just don't do it  
6 anymore? The college don't do it anymore?

7 A. We're doing more of the college led training.

8 Q. College?

9 A. College led. Meaning we have instructors that  
10 do the training.

11 Q. Uh-huh.

12 A. So that's what happened. We do more of those.

13 Q. So you don't have any project managers  
14 currently?

15 A. Correct.

16 Q. When was the last time you had a project  
17 manager? Who was the last one who was working under you?

18 A. Mr. Spradlin. I think he --

19 Q. Does he still work for ICC?

20 A. He is still as an adjunct online instructor.

21 Q. He's working as an instructor now?

22 A. On line --

23 Q. On line?

24 A. -- for ICC part-time. He has a full-time job.

25 Q. Is he in the military or National Guard or

1 something?

2 A. Yes.

3 Q. Is he still in that or --

4 A. I don't know.

5 Q. I know about -- he had to take some leave  
6 periodically?

7 A. Right. Right.

8 Q. But is he still in military, or do you know?

9 A. I don't know.

10 Q. You don't know? When you became the Director of  
11 Workforce Development, had you ever been a Workforce  
12 Development -- had you ever worked in Workforce  
13 Development in any other capacity other than as an  
14 instructor?

15 A. No.

16 Q. How did you find out what the Workforce policies  
17 and procedures were?

18 A. After I assumed the position or --

19 Q. Before. After. I mean, how did you -- how did  
20 you read and understand the MCCB and the ICC Workforce  
21 policies and procedures when you became the director?  
22 What did you do to learn those?

23 A. We have copies of those. When I became the  
24 director, we have copies of those policies.

25 Q. Got you. Were you ever over the -- Southern

1 Motion, like a project manager for Southern Motion?

2 A. During Jason's absence, yes.

3 Q. Were you aware of a complaint back around 2016  
4 from workers at Southern Motion that they were -- that  
5 they were -- that the company was claiming they were  
6 getting trained -- training that they were never  
7 receiving?

8 A. I heard about it.

9 Q. Did you go to Southern Motion with Ms. Sherman  
10 to discuss that issue at one time?

11 A. I believe -- yes, that's correct.

12 Q. Tell me what you recall about that.

13 A. There was -- there were two trips that I  
14 remember. One of them, it was with Dr. David Cole, Liz  
15 Owens, and myself. I don't remember if Ms. Sherman was  
16 there or not.

17 Q. Okay. Tell me about that trip.

18 A. That was that one meeting. And then I believe I  
19 went another trip with Ms. Sherman as well.

20 As for the first trip, we talk about the  
21 training. Liz -- Liz Owens, which was the project  
22 manager at the time, she did the most talking. And when  
23 we -- and then -- this is all I can remember. It's been  
24 so long ago. And then Dr. David Cole then asked us to  
25 leave the room so he could speak with the plant manager

1       there. That much I remember.

2               And I don't know -- in the span of maybe a few  
3       days or during the meeting -- I don't remember -- I was  
4       tasked with working with them on the training outlines.

5               Q.     Tell me about the trip with -- the visit you did  
6       there with Ms. Sherman, what you recall about that.

7               A.     I really don't remember the details. I remember  
8       going with her, but I -- I -- I can't remember if she --  
9       she talk. She -- I -- that -- I don't know the specifics  
10      of it.

11              Q.     Did Mr. Lowder become the director shortly  
12      thereafter?

13              A.     Yes.

14              Q.     Somewhere around then?

15              A.     Yes. Somewhere around that time, yes.

16              Q.     Do you recall whether or not he changed the  
17      forms for Southern Motion so there would be -- there was  
18      no sign-in or sign-out times on their forms that they  
19      submitted?

20              A.     I'm not aware of it, and I don't remember  
21      being --

22              Q.     You don't remember that?

23              A.     No.

24              Q.     You weren't aware, or you don't remember?

25              A.     I don't remember. Because I was -- I was just

1       tasked with the outline. So I don't know anything  
2       about -- I would say I do not know anything about the --  
3       whatever that you just mentioned.

4           Q.     Tell me what you mean "tasked with the outline."  
5       What does that mean?

6           A.     Dr. -- Dr. Cole had asked me to work with them  
7       on the training outlines, you know, really asking what  
8       they will be trained on and then the hours that --  
9       that -- required for that training to be completed.

10          Q.     Who was responsible -- the project manager for  
11       Franklin Corporation?

12          A.     Franklin Corporation. That would be Liz Owens  
13       at that time.

14          Q.     But later on it would have been Spradlin and  
15       then you?

16          A.     Yes. Yes.

17          Q.     It would have been Spradlin except when he was  
18       called up to active service; is that correct?

19          A.     That is correct.

20          Q.     Or when he was gone for his military service.  
21       I'm not sure. I haven't had a chance to depose him yet  
22       so I'm not really sure what his -- whether it's National  
23       Guard or Army or whatever, but we'll find out when we  
24       depose him.

25                 Were you aware of Franklin Corporation

1 submitting training logs without consistently documenting  
2 start times and end times?

3 A. Yes. I -- yes.

4 Q. Did money have to be paid back to the State  
5 because of that?

6 A. Yes.

7 Q. Was that done at a time when you were the  
8 project manager responsible for the Franklin Corporation?

9 A. It would be hard for me to say yes because I --  
10 I -- you have to look at the timeline --

11 Q. Uh-huh.

12 A. -- when Jason is gone and when I -- when I was  
13 in -- the project manager for that project.

14 Q. How about Chapter 3? Were you aware of them  
15 fraudulently collecting reimbursement for fake classes?  
16 Around \$400,000?

17 A. I mean, I'm not going to say it's fraudulently  
18 because I'm not sure at this point but --

19 Q. But -- I'm sorry. Go ahead. I didn't mean to  
20 interrupt you.

21 A. No. No. We did find an issue with the  
22 paperwork.

23 Q. Uh-huh.

24 A. Ms. Loden had just came on board, and so she was  
25 reviewing the paperwork and brought to my attention there

1 were, what we call, duplicates, you know. And so we  
2 addressed the problem with -- with MCCB and with the  
3 company as well.

4 Q. What do you mean duplicates?

5 A. It -- the way -- it looks like the trainer was  
6 signing in as a trainee in one class and also as -- as  
7 another trainee in another class.

8 Q. So it was like double billing? Would that be a  
9 fair characterization of what was going on?

10 A. No.

11 Q. No? For a period of time, was the -- you --  
12 were you over the ICC food program?

13 A. No.

14 Q. You never were over that?

15 A. Not when it first started.

16 Q. I didn't ask when it first started.

17 A. Yeah.

18 Q. Was there a period of time you were over the ICC  
19 food program?

20 A. Yes.

21 Q. And that was -- isn't it true that Southern  
22 Motion, Chapter 3, and the ICC food program were all  
23 programs that Mr. Spradlin was responsible for when he  
24 was there, but when he left, when he was off on military  
25 duties, you would take over those?

1           A.     Correct. Except for the food program was really  
2 under another director. So the role that Mr. Spradlin  
3 did was the reimbursing part -- reimbursement part of it.

4           Q.     Got you. And who was that other director?

5           A.     Scott Blackley at that time.

6           Q.     And were there big compliance issues with all  
7 three of those companies? When the audits came -- the  
8 MCCB audits came, were there major compliance issues with  
9 those three programs?

10          A.     With -- this is MCCB; right?

11          Q.     Yeah.

12          A.     Okay. I'm going to have to kind of explain a  
13 little bit. So --

14          Q.     Please do.

15          A.     Yes. So when I became the director -- so  
16 compliance issue. When MCCB came to do audit that I was  
17 a part of, there was no audit of Southern Motion  
18 paperwork.

19          Q.     There was no --

20          A.     There was no audit of Southern Motion paperwork.

21          Q.     I don't understand the word. There was no --

22          A.     The paper was not there for them to audit. So  
23 there was no --

24          Q.     No audit?

25          A.     Yeah.



1 Q. Got you.

2 A. MCCB audit.

3 Q. Got you.

4 A. Neither was Chapter 3 paperwork.

5 Q. Got you. Why wasn't there any paperwork?

6 A. The State Auditor's Office has those.

7 Q. Were you aware of whether or not the ICC Food  
8 Pathway Program was fully funded by federal grants?

9 A. I was not aware.

10 Q. Did Ms. Sherman ever complain to you that ICC  
11 was not compliant with government regulations and  
12 policies?

13 A. I don't remember specifically.

14 Q. You don't remember?

15 A. No.

16 Q. If she testified that she did, would you --  
17 would you deny that or say you just don't remember?

18 A. I don't remember. I don't remember.

19 Q. Okay. Do you recall whether or not Ms. Sherman  
20 ever told you that ICC would have to repay the money it  
21 was caused to be illegally paid to these furniture  
22 companies?

23 A. No.

24 Q. You don't recall that?

25 A. No.

1 Q. Are you denying she said that, or are you just  
2 saying you don't recall?

3 A. I don't recall that.

4 Q. Do you recall in November of 2018 Ms. Sherman  
5 asking you and Jason Spradlin why they were using State  
6 reimbursement for a project that was 100 percent funded  
7 by federal grants?

8 A. I don't remember.

9 Q. Do you deny her asking you that, or are you  
10 saying you don't remember?

11 A. I don't remember.

12 Q. Do you recall telling Ms. Sherman that they had  
13 other expenses?

14 A. I may have said that. I just -- I may have.

15 Q. Do you recall Ms. Sherman telling you and  
16 Mr. Spradlin that that was fraud and money laundering?

17 A. I don't remember.

18 Q. Do you deny her saying that, or do you -- are  
19 you just saying you don't recall?

20 A. I don't -- I don't remember. Yes.

21 Q. After she was put on a Performance Improvement  
22 Plan, at some point, did you take over monitoring her  
23 progress on this Performance Improvement Plan?

24 A. Yes.

25 Q. Tell me about that. Why did -- why were you --

1     why did Mr. Lowder -- strike that. Did Mr. Lowder tell  
2     you why he wanted you to monitor the Performance  
3     Improvement Plan?

4           A.     She was -- she was put on the PIP, Work  
5     Performance Improvement Plan. So, when I assumed the  
6     director's position --

7           Q.     Uh-huh.

8           A.     -- I have to make an assessment on whether she  
9     make progress or not.

10          Q.     I understand. But you assumed the position  
11     before she was put on -- you became the director in  
12     October of 2018. She was --

13          A.     Yes.

14          Q.     -- put on a Performance Improvement Plan in  
15     March of 2019. So you had already been her director for  
16     five months.

17          A.     Right. Right. Well, I was not aware of the  
18     PIP. I was not aware she was on the PIP when I assumed  
19     that position --

20          Q.     And --

21          A.     -- at that time.

22          Q.     But I -- and you may have answered, and I  
23     apologize if you did. But did he tell you why -- did he  
24     tell you why he wanted you to monitor it? Was it because  
25     you were the director -- was that it --

1 A. Yeah.

2 Q. -- and he was the dean now?

3 A. Yes. He was transitioning that responsibility  
4 to me.

5 Q. Got you. Fair enough. Have you ever looked  
6 at -- did you ever look at Ms. Sherman's response to the  
7 Performance Improvement Plan, her 20-page response?

8 A. Yes, at some point. Yes.

9 Q. Let me show you what's been introduced as  
10 Exhibit Number 6. Did you review this?

11 A. I've looked through it a while back.

12 Q. Well, I know, but at the time it was submitted  
13 back in April of 2019, did you review it then or sometime  
14 around that period of time?

15 A. I don't know if I received this during the time  
16 period you mentioned. April. I don't --

17 Q. When do you think you received it?

18 A. Oh, gosh. You know, I don't remember. I don't  
19 remember. I -- I don't remember when I saw this.

20 Q. Have you ever read the entire document?

21 A. Yes. Let me think. Let me think. I don't -- I  
22 have a long time -- a while back.

23 Q. And were you aware there were 100 pages of  
24 documentation backing up her response to this PIP --

25 MR. GRIFFITH: Object to the form. Object to

1 the characterization.

2 BY MR. WOODRUFF:

3 Q. -- that was submitted with this response? She  
4 also attached 100 pages of documentation supporting  
5 her -- this response?

6 A. I heard of it.

7 Q. Did you ever review that?

8 A. Oh, gosh. I don't remember if I did.

9 Q. Well, wouldn't that be important to review? If  
10 you're the one who now is monitoring her improvement in  
11 the PIP, wouldn't it be the first thing -- wouldn't it  
12 be -- make sense to first find out what her response to  
13 these criticisms is?

14 MR. GRIFFITH: Object to the form and object to  
15 the characterization of the 80 pages of copies of  
16 meaningless data.

17 MR. WOODRUFF: I didn't say 80.

18 MR. GRIFFITH: That's what it was. A total of  
19 101 pages. This is 20 pages.

20 MR. WOODRUFF: Right.

21 MR. GRIFFITH: The rest is about 80 pages --

22 MR. WOODRUFF: It's 100 --

23 MR. GRIFFITH: -- of stick-em notes.

24 MR. WOODRUFF: I can show you the documents that  
25 were produced in discovery, Bates Stamp 61 through

1           160 -- it's 100 pages -- if you want me to.

2           MR. GRIFFITH:   However you want to conduct your  
3 deposition exam.

4           MR. WOODRUFF:   Well, I'm trying to conduct it,  
5 but you --

6           MR. GRIFFITH:   Yeah.

7           MR. WOODRUFF:   -- keep interrupting it.   So. . .

8           MR. GRIFFITH:   No.   I'm making a record,  
9 Counsel.

10          MR. WOODRUFF:   Okay.

11          MR. GRIFFITH:   Don't mischaracterize what I'm  
12 doing.   I'm making a record --

13          MR. WOODRUFF:   Well, you're --

14          MR. GRIFFITH:   -- which I have a right to do.

15          MR. WOODRUFF:   No, you're testifying, which is  
16 not what you have a right to do.

17          MR. GRIFFITH:   No, Counsel, I'm not testifying.  
18 I'm making a record with the basis of the objection  
19 being specified.   Nothing more.   Nothing less.

20          MR. WOODRUFF:   Okay.   Your objection is that  
21 it's not 100 pages.   Is that your objection?

22          MR. GRIFFITH:   The 101-page diatribe that your  
23 client submitted has 20 pages at the front, and the  
24 rest of it is attachments of documents and records.

25          MR. WOODRUFF:   You're absolutely wrong.   There's

1 a 20-page document, which you called a --  
2 slanderously called a diatribe, but there's 100 pages  
3 of documents attached to it which back up her  
4 response.

5 MR. GRIFFITH: You need a quick lesson in  
6 defamation and slander because you're incorrect,  
7 Counsel. You conduct the deposition the way you want  
8 to, the way you feel you need to, but don't  
9 misrepresent what's in front of the client, which is  
10 Exhibit 6, which is the 20-page response that  
11 Ms. Sherman provided.

12 MR. WOODRUFF: That's correct.

13 MR. GRIFFITH: That's all it was.

14 MR. WOODRUFF: Absolutely.

15 BY MR. WOODRUFF:

16 Q. And were you aware that she provided a hundred  
17 pages of documents supporting this -- approximately a  
18 hundred pages -- might have been 101 or 99, but right  
19 around a hundred pages of documents supporting this  
20 20-page response to the PIP?

21 A. I was told.

22 Q. You were told. Did you ever review those  
23 approximately a hundred pages of documents?

24 A. I probably browsed through it. I looked through  
25 it.

1           Q.    Looking at this 20-page response to the  
2   Performance Improvement Plan, can you tell me anything in  
3   there that is incorrect that she states in there?

4           A.    You know, I can't sit here and go through page  
5   by page to let you know --

6           Q.    I'm just asking for --

7           A.    -- because --

8           Q.    I'm sorry. I didn't mean to interrupt.

9           A.    Yeah. Because some of it is not during -- you  
10   know, that is Dr. Lowder's evaluation of her when -- when  
11   she reports to him. So I'm -- you know, for me to sit  
12   here to cover this, it will -- and then to point it out  
13   to you under oath, that's something -- I don't -- I don't  
14   know if I can do that.

15          Q.    Can you tell me anything in there that's not  
16   factually accurate that she claims?

17          A.    I can't. I cannot right now.

18          Q.    Do you recall recommending to Dr. Lowder to  
19   charge individuals whatever they can pay for in programs  
20   designed to provide training to citizens in order to  
21   maintain -- obtain entry-level positions at these  
22   factories?

23          A.    Can you repeat your question?

24          Q.    Did you -- and I'll try to shorten it. Did you  
25   ever recommend to Dr. Lowder to charge individuals



1       whatever they can pay --

2           A.     No.

3           Q.     -- for the programs?

4           A.     No.

5           Q.     You deny that?

6           A.     Yes.

7           Q.     Did you ever advise your staff to treat these  
8       programs as your own businesses?

9           A.     Did I advise them?

10          Q.     Yes.

11          A.     No.

12          Q.     Did you ever advise them to charge individuals  
13       whatever they can pay?

14          A.     Did I advise them to charge individuals what  
15       they can pay?

16          Q.     Yes.

17          A.     Let me -- let me step back on that one.  We  
18       asked -- there is a fee for each program; right?  And so,  
19       if they can pay -- whatever they can pay, we'll take it.  
20       We'll receive their payment.

21          Q.     Uh-huh.

22          A.     And that's what -- that's what we do.  And if  
23       they cannot pay, we don't turn them away from the  
24       program.  We still let them participate in the program.

25          Q.     Do you put them on a payment plan?

1 A. No.

2 Q. Did you ever put any of these people who needed  
3 the Workforce training for entry-level jobs on a payment  
4 plan to pay for the training?

5 A. No. No.

6 Q. Okay. Did you at one point provide Chinese  
7 interpretation service to Ashley Furniture?

8 A. Yes.

9 Q. And why did you do that?

10 A. Why do I do that?

11 Q. Why did you do it? Did they purchase some --  
12 maybe some equipment that was made in China or somewhere  
13 where you -- you know -- and, just for the record, you  
14 speak Chinese?

15 A. Yes, I do.

16 Q. Mandarin or --

17 A. Mandarin.

18 Q. That's the most -- the most wide spoken;  
19 correct?

20 A. Uh-huh.

21 Q. And so my understanding is they needed -- they  
22 needed an interpreter to help with this equipment; is  
23 that -- is that correct?

24 A. Right. That is correct. Uh-huh.

25 Q. And they hired you and paid you to do that?

1 A. Yes.

2 Q. Okay. Tell me about that experience.

3 A. They have a technician -- equipment technician  
4 from the manufacturers that -- who came and install the  
5 system. And so I was there whenever he was there, the  
6 technician, Chinese technician. So I serve as -- as he  
7 go through the instructions and as he sets up.

8 Q. Uh-huh.

9 A. So I translate -- interpret -- sorry --  
10 interpret between Ashley maintenance technician and  
11 operator.

12 Q. Uh-huh. Who was the maintenance person -- do  
13 you remember who the maintenance manager was at that  
14 time?

15 A. I don't remember.

16 Q. Did you have any conflicts with the maintenance  
17 manager?

18 A. There was a meeting that I had to interpret.

19 Q. Uh-huh.

20 A. And there was -- there was a disagreement  
21 between the plant manager -- oh, I'm not sure. I won't  
22 say plant manager because I don't know his title -- and  
23 the Chinese technician. I don't remember all the  
24 details. I just remember the -- I was, you know, trying  
25 to interpret both. There was some disagreement that went

1 on.

2 So the Chinese technician was not happy because  
3 he was not made aware of the issues. But they went --  
4 they -- Ashley contacted his supervisor or his manager,  
5 and so -- to talk about the issues that they had, but --  
6 but that was not mentioned to the technician. So  
7 technician had a disagreement with that, that they could  
8 have gone directly to him instead of to his supervisor.

9 Q. Do you recall making a comment in front of  
10 Ms. Sherman that Ashley Furniture is using shitty  
11 materials for their product?

12 A. I did not make that comment.

13 Q. You deny -- you deny that?

14 A. That's correct.

15 Q. So, if anybody testified to that, they wouldn't  
16 be telling the truth?

17 A. I would -- I would not use the word -- what you  
18 just used. It's not the best system.

19 Q. Uh-huh. Got you. Did you ever have an issue  
20 with the time that Emily Lawrence spent with Tanya  
21 Sherman?

22 A. No.

23 Q. Did you ever -- did you ever tell Emily Lawrence  
24 she needs to limit her time she spends with Ms. Sherman?

25 A. No.

1           Q.    Did you ever tell your staff to split large  
2 reimbursement checks into smaller amounts in case the  
3 auditor cited the amount and it had to be paid back?

4           A.    I did tell them to split into smaller amounts,  
5 but I do not agree to what you said on the latter part.

6           Q.    So why did you tell them to put them into  
7 smaller amounts?

8           A.    The checks were so -- their checks will be  
9 bigger if we do that and the process -- hang on a second.  
10 It will be processed a little bit faster with the smaller  
11 batches, internally processed. And sometimes when we cut  
12 the check -- I don't remember. I just remember that it  
13 will be processed a little bit faster.

14                   And if -- there will be times where, you know,  
15 ICC would sometimes have to -- that's just what I've  
16 heard too -- have to float those checks when we wait for  
17 the system to approve so that that's not a huge amount  
18 that the college has to put up.

19           Q.    Were you aware that -- that -- that Mr. Lowder  
20 assigned the five director accounts to Ms. Sherman when  
21 he became the director?

22           A.    I don't know what five account you talking  
23 about.

24           Q.    Well, you mentioned one of them, I think, was  
25 Toyota.

1           A.     Right.

2           Q.     The five big ones -- the five biggest ones. And  
3     you never heard the term director accounts, accounts that  
4     were so important that a director should handle those  
5     accounts?

6           A.     No. I -- I just know of the Toyota. That used  
7     to be Denise Gillespie, which she was a director at that  
8     time. So that's why I knew that was a  
9     director's project.

10          Q.     Do you know of any other accounts that she  
11     handled when she was a director?

12          A.     I'm not aware.

13          Q.     Were you aware that Ms. -- Ms. Sherman was also  
14     put over the MEP project in -- around July of 2018?

15          A.     I was aware of that.

16          Q.     Do you know why she was asked to do that?

17          A.     No.

18          Q.     Who made that decision?

19          A.     Dr. Lowder.

20          Q.     Did he tell you why he made -- made her over  
21     that position?

22          A.     No.

23          Q.     Were you aware whether or not -- did you know  
24     what the MEP project was?

25          A.     At that time?

1 Q. Yes.

2 A. Yes, somewhat.

3 Q. And I believe there's four college -- four  
4 community colleges in the state that are part of this MEP  
5 program, four or five; is that correct?

6 A. At that time, I just -- I know ICC is one, CAVS  
7 Center at Mississippi State. That's not a community  
8 college. MPI. That's not a community college.

9 Q. But there's only limited -- I might have  
10 misspoke as far as being community. But there's only,  
11 like, four. I think there's a Gulf Coast Community  
12 College --

13 A. Yes, I --

14 Q. -- which has one too; right?

15 A. Yes, I heard -- yeah, I heard that.

16 Q. Okay. And are you aware of whether or not --  
17 directors at these other schools that have this program,  
18 whether or not they have a director or not running that  
19 program?

20 A. I'm not -- I'm not aware.

21 Q. After Ms. Sherman was put on a PIP, was she --  
22 did they take away her responsibility of running the MEP  
23 project?

24 A. No.

25 Q. Why not?

1           A.     I don't know.

2           Q.     Do you think -- after you became the director of  
3 the Workforce program, do you think that you were -- you  
4 could have been qualified or were capable of being a  
5 Workforce manager?

6           A.     Yes.

7           Q.     You knew the job well enough?

8           A.     Yes.

9           Q.     But you had never done the job?

10          A.     Right.

11          Q.     Okay.

12                 MR. WOODRUFF: Step outside.

13                 (AFTER A RECESS, THE DEPOSITION CONTINUED AS  
14 FOLLOWS:)

15 BY MR. WOODRUFF:

16          Q.     All right. Let me show you what's --

17                 MR. WOODRUFF: Everybody ready?

18                 MR. GRIFFITH: Yeah.

19 BY MR. WOODRUFF:

20          Q.     -- introduced as Exhibit Number 7. Have you  
21 ever seen this document here before?

22          A.     This is the first time I've seen it.

23          Q.     And the reason I was going to ask you about  
24 this -- what's the date on this document?

25          A.     September 5th, 2019.



1 Q. Right. So that would have been about -- it's,  
2 like, a six-month follow-up to the PIP; is that correct?

3 A. To his -- to his PIP that he did?

4 Q. Yeah. This is like a -- my understanding, that  
5 appears to be a six-month follow-up to the PIP?

6 A. Yeah. He said six months.

7 Q. Okay. And the only reason I want you to look at  
8 it is just for a timeline --

9 A. Uh-huh.

10 Q. -- because it's from Joe Lowder --

11 A. Uh-huh.

12 Q. -- copied Mr. Senter, and your name is not on  
13 it.

14 A. Right.

15 Q. And so I just want to confirm. It sounds like  
16 he had turned over you monitoring the PIP at this time.  
17 Would that be a fair statement?

18 A. Yes.

19 Q. Otherwise, I mean, why would he not at least  
20 copy you on this memo if you were involved in monitoring  
21 it. So you would -- would you agree with that?

22 A. Yes.

23 Q. Okay. That's all I -- that's the only reason  
24 why I wanted you to look at that.

25 MR. WOODRUFF: All right. Let's go ahead and

1 introduce this as Exhibit Number 21.

2 (DOCUMENT REFERRED TO WAS MARKED AS EXHIBIT  
3 NO. 21.)

4 BY MR. WOODRUFF:

5 Q. This is Bates stamped TS-62 to TS-160, which is  
6 what I referred to earlier as the 100-page documentation  
7 that supports Tatiana's response to the PIP, the 20-page  
8 response that we looked at earlier. Have you ever gone  
9 through these documents before?

10 A. I browsed through it.

11 Q. And what was your impression of browsing through  
12 it?

13 A. That there are quotes and there are e-mails.

14 Q. Did you understand what -- the purpose of why --  
15 of why she claims she put those documents -- attached  
16 those to her response to the PIP?

17 A. I see she made some quotes here. So she's  
18 showing the quotes that she's done and the numbers that  
19 she reported.

20 Q. I kind of tried to follow chronologically pretty  
21 much. So I'm going to get them in chronological order.

22 All right. Let me show you what's been  
23 introduced as Exhibit Number 8. Do you recognize this  
24 document here?

25 A. Yes.

1 Q. Tell me what this is.

2 A. This is the PIP that I did for Ms. Sherman.

3 Q. It's a PIP, or is it a follow-up on the initial  
4 PIP that --

5 A. Yeah, it's a follow-up.

6 Q. It's not a new PIP, is it? It's just a  
7 follow-up?

8 A. It's a follow-up on the categories that was on  
9 there.

10 Q. Got you.

11 A. Uh-huh.

12 Q. Can I see that real quick? Did you meet with  
13 Ms. Sherman at the time that you did this?

14 A. Yes.

15 Q. And tell me about that. Who else was there when  
16 you met with her about this -- this follow-up?

17 A. Tim Senter.

18 Q. Okay. Did -- tell me about what was discussed  
19 at this time, what you recall.

20 A. There's a lot of details, I'm sure. I just went  
21 through --

22 Q. Tell me what you recall.

23 A. Yeah. I went through each page, each item on  
24 there, and I have examples that I -- that I had with me.  
25 And then I go through as I go through them.

1 Q. So you had examples?

2 A. Yeah. I had -- that I had with me but -- as I  
3 went through them -- as I went through each category.

4 Q. You went through examples?

5 A. As I go through the narrative that I had, and it  
6 was -- it was a few hours' long.

7 Q. Uh-huh.

8 A. Ms. Sherman had questions, and we, you know,  
9 answer. You know, she had questions, and I answered it.

10 Q. Do you recall any of the questions she asked?

11 A. I cannot remember. I mean, it's --

12 Q. And what was her response to your -- your  
13 review? How did she respond to your review? Was she  
14 happy with it? Did she disagree with it? What's your  
15 recollection?

16 A. She had questions, and I -- you know, I try to  
17 answer those. She may not accept my answers or my  
18 response.

19 Q. And so this is dated 12/18/2019; correct?

20 A. Yes.

21 Q. When did you meet with her next concerning this  
22 PIP?

23 A. Gosh. July -- sometime in July --

24 Q. I haven't seen any documentation --

25 A. -- of '20.

1           Q.    -- from that. Is there -- did you -- is there  
2 any documentation from that July meeting?

3           A.    No. I don't -- I don't remember having  
4 documentation. We basically reviewed, kind of follow up  
5 on -- on the same --

6           Q.    Exhibit 8?

7           A.    Yes. Yes.

8           Q.    All right. And when's the next time you met  
9 with her concerning this PIP?

10          A.    I don't remember if there's another time.

11          Q.    Let me show you what's been marked Exhibit  
12 Number 9.

13          A.    Uh-huh.

14          Q.    Do you recognize this document?

15          A.    Yes, I do.

16          Q.    And what is this document?

17          A.    This is a document that I -- I had talked to  
18 Mr. Senter as far as -- based on what we covered the  
19 first two -- the meeting there and then the meeting in  
20 July, that I feel like I could not move forward as a  
21 supervisor for her. And then there's no claim of -- you  
22 know, acknowledgement of really full responsibility or  
23 accountability.

24                And I just -- you know, then that's when my -- I  
25 had recommend that, you know, Ms. Sherman be relieved

1 from position as -- according to this memo, for project  
2 manager.

3 Q. So you recommended her termination?

4 A. I recommend her relief from that position.

5 Q. Okay. And is that a -- is that a termination if  
6 she's relieved from her position?

7 A. In my mind, I just say relief. However the  
8 college -- this is my recommendation, but however the  
9 college deals with -- you know, if they move her. I  
10 don't know what they were doing. I'm not going to  
11 speculate from there.

12 Q. Did you recommend that she be transferred to  
13 another department?

14 A. I did not.

15 Q. And, again, there's some discussion about -- you  
16 know, I've seen a timeline by Mr. Senter where he claims  
17 the date is -- should be '21 instead of --

18 A. Yes.

19 Q. Is that correct?

20 A. That is correct.

21 Q. Because you refer to -- looks like -- let me  
22 have that back real quick.

23 A. Yes.

24 Q. All right. So this is -- concerning this --  
25 this PIP that -- was issued in September -- I'm sorry --

1 in March 8th of 2019. Six months later, we've got  
2 documentation of a meeting with Mr. Lowder and  
3 Ms. Sherman. And then we've got documentation in  
4 December of 2019 between you and Ms. Sherman with  
5 Mr. Senter present?

6 A. Uh-huh.

7 Q. And then in this letter -- and you mention that  
8 December '19; correct? You said after review with  
9 Ms. Sherman December 2019. We just looked at that. That  
10 was Number 8.

11 A. Right. Right.

12 Q. Right. And then you say, in our meeting in  
13 July 22nd, 2020. So that would have been almost, what,  
14 eight months later?

15 A. 2020. Nineteen -- July -- yeah, around about.

16 Q. Okay. And then this is March 7, 2021, I guess  
17 you're claiming. So it looks like from a -- from a PIP  
18 issued in March of 2019, there was a follow-up six months  
19 later and then about five months after that -- or four or  
20 five months after that. And then the next one year and  
21 four months, you met with her one time --

22 A. I met with her --

23 Q. -- about her PIP, and then you --

24 A. -- twice.

25 Q. -- recommended her termination?

1           A.    I met with her twice.  The December one and then  
2   the July.

3           Q.    That's what I said.  Between December --

4           A.    Yeah.

5           Q.    Between December --

6           A.    Uh-huh.

7           Q.    -- Exhibit Number 8 --

8           A.    Uh-huh.

9           Q.    -- and March 4, 2021.  You know, that's, what,  
10   16, 17 months?

11          A.    Yeah.  I met her -- with her -- yeah.

12          Q.    You met with her one time.  And then you made a  
13   recommendation that she be relieved of her duties;  
14   correct?

15          A.    I met with her the -- yeah, the December and  
16   then the July.

17          Q.    Were you aware that she had been put on an  
18   employment agreement at some point prior to her being  
19   terminated?

20          A.    I can't remember.  Somebody told me.  I was told  
21   that she was put on there.

22          Q.    Who told you she was put on there?

23          A.    I think it was Dr. Lowder or Tim.  I don't  
24   remember.

25          Q.    Did they say why she was put on there?



1 A. No, sir.

2 Q. Are you on -- are you on a yearly contract or a  
3 work agreement?

4 A. Yearly contract.

5 Q. How long have you been on a yearly contract?

6 A. Oh, wow. I don't remember.

7 Q. Well, let me ask you this. At the time you  
8 became the director -- and I think we've established that  
9 was October of 2018.

10 A. Uh-huh.

11 Q. Prior to that, were you on a yearly contract or  
12 an employment agreement?

13 A. I don't remember. I think yearly contract.

14 Q. Okay. Have you -- have you always been on a  
15 yearly contract?

16 A. No. No. No.

17 Q. Let me show you Exhibit Number 12. Do you  
18 recall this -- have you ever seen this document?

19 A. Yes.

20 Q. And you were copied on that; correct?

21 A. Yes. Yes.

22 Q. And what's the date on that -- that letter sent  
23 to the AG's office and copied with the other people?

24 A. March 8 -- oh, hang on. Sorry. September 24,  
25 2019.

1 Q. 2019. And which is about a year and a half  
2 before you were -- she was terminated, correct, or you  
3 recommended her be relieved of her duties?

4 A. A year before?

5 Q. In March of 2021, you --

6 A. '21. Yeah. Yeah.

7 Q. Right. So this -- so, after this letter was  
8 sent claiming -- making claims of illegal activities, you  
9 recommended she be terminated, right, or relieved of her  
10 duty? I'll use your terms.

11 A. Uh-huh -- yes.

12 Q. Do you recall when Dean Lowder changed the forms  
13 that Southern Motion filled out for -- for the  
14 reimbursement for Workforce training so that they would  
15 no longer put the time -- Southern Motion would no longer  
16 put the times on them?

17 A. I'm not. I don't know anything about that.

18 Q. Isn't it true that you were the one who would  
19 fill in the times?

20 A. No.

21 Q. You never did that?

22 A. No.

23 Q. Who did fill in the times?

24 A. Stacey Loden.

25 Q. Isn't that fraud to fill in times -- for ICC to

1 put in the times that these people were working?

2 A. Is it fraud?

3 Q. Yes.

4 A. I don't think so.

5 Q. Why not?

6 A. It's a policy, yes, to put start time/end time  
7 on there, on the class roll.

8 Q. Right.

9 A. Right.

10 Q. And --

11 A. But --

12 Q. I'm sorry. Go ahead. I didn't mean  
13 to interrupt.

14 A. That's okay. But what I was going to say was,  
15 on the class roll, it does have the training hours on  
16 there that the company filled in on the class roll.

17 Q. You're not aware that Lowder redesigned them so  
18 that they didn't put the times on them?

19 A. Not at that time when supposedly he changed the  
20 form. I was not part of that. I didn't know that.

21 Q. But you were aware that Stacey Loden was filling  
22 in times?

23 A. When she -- when it was mentioned to me when  
24 I -- yes.

25 Q. Well, when -- and based upon those times, State

1 funds are reimbursed to the employers and to the college;  
2 correct?

3 A. Right. When Ms. Loden brought it to my  
4 attention -- so we did -- you know, we -- that's -- she  
5 came on board, and she was doing -- she can speak for  
6 herself. I'm not going to speak for her. So, when she  
7 brought it to my attention, that's when we addressed  
8 that.

9 Q. Tell me what she brought to your attention.  
10 What did she say?

11 A. That was -- you know, there was no time, that  
12 she had filled in the times. So we addressed that with  
13 the company and make sure that the company fills out the  
14 times.

15 Q. Did she tell you how she determined what times  
16 to fill in?

17 A. No. No.

18 Q. Did you ask her?

19 A. No. I mean, when it comes to me, I didn't --  
20 you know, I was getting to know the paperwork, and she is  
21 too. So, no.

22 Q. Was she -- did she think she was doing something  
23 wrong by filling in times for these classes?

24 A. Well, she came to me, and we talk about it. But  
25 she was just doing -- you know, she didn't -- she

1 wasn't -- she was just doing what has been done is what  
2 she -- she had mentioned to me.

3 Q. Uh-huh. Did she tell you who told her to do  
4 that?

5 A. No. I mean, she said she got some guidance, but  
6 I don't know if she -- you know, she didn't  
7 specifically -- she can -- you can ask her. I mean --

8 Q. Well, I'm asking you, though.

9 A. Yeah.

10 Q. I'll get a chance to ask her at some point.

11 A. Yeah.

12 Q. But I'm just asking whether -- you know, did you  
13 ask her, you know, "Who told you to do that?"

14 A. She probably -- she mentioned Jason, and she --  
15 you know, that -- that -- you know, that -- that's  
16 just -- you know, that's just how -- you know, how it's  
17 been done before. So. . .

18 Q. Are you aware of any other company -- any other  
19 of these businesses that ICC provided training for that  
20 were submitting documentation for reimbursement where  
21 they didn't list the specific time the training took  
22 place?

23 A. I mean, I don't remember. I just remember  
24 Southern Motion is one.

25 Q. I mean, didn't you think that was fraud, I mean,

1       that they're submitting for -- they're submitting  
2       documentation to be reimbursed by the state --

3           A.     Right.

4           Q.     -- taxpayer money or the federal government  
5       taxpayer money, and yet ICC is writing in the times that  
6       they're going to be reimbursed?

7           A.     We reimbursed based on the hours that was on  
8       there.

9           Q.     Right.

10          A.     We are not compliant if there's missing start  
11       time/end time. Yeah, the policy is that you have to have  
12       start time/end time. But as far as the hours they're  
13       reimbursed, there was no changes. Whatever the company  
14       puts on there.

15          Q.     Were you -- were you aware of Lowder charging  
16       consortium trainers annual salaries of 100 percent of the  
17       WET funds?

18          A.     I'm not aware if it was 100 percent.

19          Q.     Were you also aware that he also was  
20       additionally billing companies for the trainers' time  
21       besides charging consortium trainers' annual salary of --  
22       at 100 percent to the WET Fund? Were you aware he was  
23       doing it from both?

24          A.     We were -- I'm aware we're charging for their  
25       time, but I'm not aware at that time if they were

1 100 percent funded, as you said.

2 Q. Did you hide the fact that trainers were not  
3 getting paid \$35 an hour but were being reimbursed at \$35  
4 an hour from the State?

5 A. Okay. Say -- can you repeat your question?

6 Q. Were you -- did you hide the fact that trainers  
7 were not getting paid \$35 an hour, but ICC was requesting  
8 \$35 per hour reimbursement from the State?

9 A. For -- for what program?

10 Q. Any program.

11 A. Do I hide the fact?

12 Q. Yes. Did you hide the fact?

13 A. No.

14 Q. Did you and Stacey Loden go behind project  
15 managers and hide information about that?

16 A. No.

17 Q. Tell me about the -- the audit of 2020. You're  
18 aware that MCCB does an annual audit; correct?

19 A. Yes.

20 Q. And it's usually around October, November --

21 A. Yes.

22 Q. -- each year? And I believe the fiscal year  
23 would go from -- the fiscal year would be the same as the  
24 college year, which would be July 1st of one year to  
25 June 30th of the previous year?

1 A. Uh-huh.

2 Q. So, when they came in October, November of --  
3 of, say, 2019, they were looking at what happened between  
4 July 1st, 2018, to June 30th, 2019?

5 A. Yes.

6 Q. Is that correct?

7 A. Yes.

8 Q. Were you aware, the 2020 audit, that people were  
9 told to replace the summaries and take the quotes out?

10 A. Yes.

11 Q. Who made that decision?

12 A. Dr. Lowder.

13 Q. Did you pull any of these quotes out?

14 A. Yes, I did.

15 Q. For the zero projects?

16 A. Yes.

17 Q. Why did you pull the quotes out?

18 A. It was not part of what was required in the  
19 letter that MCCB sent for monitoring. It was not part of  
20 the items that they wanted to see.

21 Q. Did -- well, did MCCB indicate there was a  
22 problem, that these -- that these files were manipulated  
23 prior to the -- prior to the audit?

24 A. What do you mean by "manipulated"?

25 Q. Well, you took -- you're taking documents out of



1 the file --

2 A. That was not part of the --

3 Q. -- so they couldn't see them.

4 A. But it was not part of what they asked to see,  
5 to monitor.

6 Q. You're taking documents out of a file --

7 A. That is correct.

8 Q. -- that's being audited.

9 A. That is -- those items were not part of the list  
10 that they want to see.

11 Q. Were they part of the file?

12 A. They're part of the file but not part of the  
13 monitoring process.

14 Q. And so you -- you didn't get any -- you didn't  
15 have any problem because of that?

16 A. Not that I'm aware of.

17 Q. Do you know why Mr. Lowder is no longer working  
18 there?

19 A. Pardon me?

20 Q. Do you know why Mr. Lowder is no longer working  
21 there?

22 A. He has -- he moved to -- his wife got a job in  
23 Nashville. So they moved.

24 Q. Do you know whether he voluntarily left or was  
25 terminated or asked to leave?

1           A.    I don't know. I mean, I just know that he --  
2           his wife got a job. I mean, I can't answer that.

3           Q.    Got you. That's fine. All I'm asking is what  
4           you -- what you know. Do you recall in 2019 there was a  
5           100 percent audit by MCCB?

6           A.    '20 -- the fiscal year -- 100 percent fiscal  
7           year '19.

8           Q.    Right. And they found a lot of noncompliance;  
9           is that correct?

10          A.    That is correct.

11          Q.    And isn't it true there were only three minor  
12          noncompliances in Tanya's -- in her documentation?

13          A.    There were a few. I don't know the exact  
14          numbers. I mean --

15          Q.    Would you dispute there were three?

16          A.    Probably three or four maybe.

17          Q.    Were you aware that -- are the project  
18          managers -- are they -- are they allowed to defend these  
19          audits or this -- the claims of noncompliance?

20          A.    Yes, I -- I am aware of it.

21          Q.    Was -- was Ms. -- Ms. Sherman allowed to defend  
22          these three claimed deficiencies in her paperwork?

23          A.    During the monitoring, when the MCCB monitor  
24          asked me about certain paperwork and when they ask to see  
25          the project manager to explain, that's when I go get

1       them.

2           Q.     All right. And my question is isn't it true  
3       that Ms. Sherman was not allowed to defend the three  
4       deficiencies -- minor deficiencies they found in her  
5       paperwork that she submitted?

6           A.     Allowed? I don't -- I don't know who is  
7       allowing who. The process --

8           Q.     Well, you were the boss.

9           A.     I understand. I understand that. The process  
10      at that time, we never had -- in my -- as far as I'm  
11      aware of, we didn't have a 100 percent audit before. So,  
12      when that happened, it was a different -- you know, we --  
13      you know, there were one time -- I remember there was one  
14      time during the 100 percent that Ms. Davita from MCCB,  
15      she had asked a question that I had asked Ms. Sherman to  
16      come in and explain one time on that.

17                Then, the rest of it, it was -- it didn't  
18      end until -- because it was 100 percent. So it didn't  
19      end till late at night. And they -- they didn't -- I  
20      asked, "Do you want -- you know, do we need to bring  
21      anybody," you know? She didn't want anybody because  
22      there was so much -- so many paperwork. So that's how  
23      that was.

24                And then they took the paperwork back to  
25      Jackson, every single piece of paper back to Jackson,

1 after -- when they leave the second day. So it was very  
2 unusual -- it was -- it was an unusual process, I would  
3 say. So I don't know -- when you say allow, who allow  
4 who, that is basically based on whatever MCCB asks us to  
5 do.

6 Q. In other years, have they -- when somebody has  
7 compliance issues with their paperwork, are they allowed  
8 to look at that and defend -- the project manager to look  
9 at it and explain what the -- explain it or not?

10 A. I went through -- that was my second since I  
11 came on board. The first one, we didn't have any -- I  
12 don't recall any issues. I just came on board October.

13 Q. Got you.

14 A. And then the audit was maybe November. So I --  
15 it -- you know, I was brand -- brand new back then but --

16 Q. We're talking in 2020. Is -- was --

17 A. No. That's 20 -- yeah, fiscal year --

18 Q. I'm sorry. 2020 was 100 percent?

19 A. Yes. Fiscal year '15 -- '18 was my first audit.

20 Q. I'm sorry. What year?

21 A. The fiscal year '15-'18.

22 Q. Right.

23 A. I mean 2018.

24 Q. Right.

25 A. Fiscal year 2018. So that --

1 Q. And then there was '19?

2 A. That was 100 percent. Yeah.

3 Q. And then there was '20?

4 A. And then there was '20.

5 Q. Right.

6 A. So that was -- the 100 percent is where they  
7 found a lot of noncompliance. The year previously, I  
8 don't believe there was any findings. So to your  
9 question you were asking --

10 Q. So there were no -- there were no noncompliance  
11 issues --

12 A. Not that I can remember.

13 Q. -- in 2019 to your recollection?

14 MR. SPARKS: Object. You have misquoted the  
15 date. I'm sorry.

16 MR. WOODRUFF: I don't doubt that. But what did  
17 I do wrong?

18 MR. SPARKS: You said 2020 was 100 percent  
19 audit.

20 MR. WOODRUFF: Right.

21 MR. SPARKS: It was 2019. Sorry.

22 THE WITNESS: 2019.

23 MR. SPARKS: That's been testified to by, I  
24 think, everybody.

25 THE WITNESS: Yeah.

1 MR. WOODRUFF: You're right. Sorry about that.

2 BY MR. WOODRUFF:

3 Q. 2020 was -- you're absolutely right. Sorry. I  
4 got confused. 2020 was 100 percent audit?

5 A. No. 2019.

6 Q. I'm sorry. 2019 was the 100 percent audit?

7 A. Yes. Yes.

8 Q. In 2018, you're saying there was no compliance  
9 issues?

10 A. That I -- I don't remember, but I don't -- I  
11 don't remember -- I don't think that -- that 2019, that  
12 100 percent, is where the compliance -- the noncompliance  
13 were found. But I do not recall FY18, the year prior.

14 Q. Do you recall Southern Motion submitting time  
15 sheets where they would have two trainers on there?

16 A. Yes.

17 Q. And how would you decide which one of those  
18 trainers -- and they weren't allowed to be reimbursed for  
19 two trainers, were they?

20 A. That's -- that is correct. It's just always  
21 that one trainer.

22 Q. So how would you determine which one of the two  
23 trainers you would -- you would submit?

24 A. The trainer that was doing the training.

25 Q. Well, how do you know?

1           A.     Well, I don't remember if Jason was back. That  
2     was brought to my attention by Ms. Loden. And so the  
3     instruction for her -- and I don't remember if Jason was  
4     there -- to make sure that only the trainers signed the  
5     class roll. So we addressed that.

6           Q.     I understand. But how did you decide -- of the  
7     ones that had already been submitted with two trainers,  
8     how did you decide which -- which one to submit as the  
9     trainer?

10          A.     When -- that was before I was told that that --  
11     there were -- you know, there were two different people  
12     on the class roll -- so when I -- when it was brought to  
13     my attention. So I don't know. They probably had been  
14     doing -- I can't speak for them when I say -- you know,  
15     accountability or the previous project manager,  
16     whichever -- how that was being done.

17          Q.     After you became the director, was Ms. Sherman  
18     ever blocked from seeing the Workforce classes on the  
19     calendar?

20          A.     Was she blocked from seeing the Workforce  
21     classes?

22          Q.     Yes. Was she blocked from -- she couldn't see  
23     the Workforce classes on her computer?

24          A.     No. No. We shared that Workforce calendar. So  
25     everybody have access to it.

1 Q. Did you ever have to change the settings on her  
2 view for the class schedule?

3 A. No. No.

4 Q. Was Sherman a hard working project manager?

5 A. Yes, she was. She's got a lot of projects.

6 Q. Are you aware of her being habitually late to  
7 work?

8 A. No, not really.

9 Q. Are you aware of her missing an inordinate  
10 amount of time from work?

11 A. When I was a director?

12 Q. Yes.

13 A. No.

14 Q. Did you ever speak negatively or criticize  
15 Ms. Sherman to other coworkers?

16 A. No.

17 Q. Did you ever exclude Ms. Sherman from meetings  
18 regarding changes in MCCB policies after you became the  
19 director?

20 A. No.

21 MR. WOODRUFF: I tender the witness.

22 MR. GRIFFITH: Let's talk a second.

23 (AFTER A RECESS, THE DEPOSITION CONTINUED AS  
24 FOLLOWS:)

25 MR. GRIFFITH: We have no further questions.



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MR. SPARKS: I have no questions.  
(CONCLUDED AT 4:40 P.M.)

C E R T I F I C A T E

STATE OF MISSISSIPPI )

COUNTY OF ITAWAMBA )

RE: ORAL DEPOSITION OF TZER NAN WATERS

I, Phyllis K. McLarty, RMR, FCRR, CCR #1235, a Notary Public within and for the aforesaid county and state, duly commissioned and acting, hereby certify that the foregoing proceedings were taken before me at the time and place set forth above; that the statements were written by me in machine shorthand; that the statements were thereafter transcribed by me, or under my direct supervision, by means of computer-aided transcription, constituting a true and correct transcription of the proceedings; and that the witness was by me duly sworn to testify to the truth and nothing but the truth in this cause.

I further certify that I am not a relative or employee of any of the parties, or of counsel, nor am I financially or otherwise interested in the outcome of this action.

Witness my hand and seal on this 8th day of January, 2023.

\_\_\_\_\_  
PHYLLIS K. McLARTY, RMR, FCRR, CCR #1235

My Commission Expires:  
November 10, 2025

Deposition of Tzer Waters, taken December 15, 2022

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION

TATIANA (TANYA) SHERMAN

PLAINTIFF

VS.

NO. 1:21-CV-190-GHD-DAS

ITAWAMBA COMMUNITY COLLEGE,  
JOE LOWDER, TZER NAN WATERS,  
AND DR. JAY ALLEN

DEFENDANTS

CERTIFICATE

I, Tzer Nan Waters, have read the foregoing pages,  
1-66, of the transcript of my deposition given on  
December 15, 2022, and it is true; correct and complete  
to the best of my knowledge, recollection and belief  
except for the list of corrections, if any, attached on a  
separate sheet herewith. Witness my hand, this the  
\_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Tzer Nan Waters

CERTIFICATE

Subscribed and sworn to before me, this the  
\_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public in and for the  
County of \_\_\_\_\_  
State of Mississippi

My Commission  
Expires: \_\_\_\_\_

Deposition of Tzer Waters, taken December 15, 2022

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ADVANCED COURT REPORTING  
P.O. BOX 761  
TUPELO, MISSISSIPPI 38802-0761

## CORRECTION LIST

Tatiana (Tanya) Sherman vs. Itawamba Community College,  
Joe Lowder, Tzer Nan Waters, and Dr. Jay Allen  
Federal - No. 1:21-CV-190-GHD-DAS

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CAPTION

December 15, 2022

Tzer Nan Waters

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DATE OF DEPOSITION

DEPONENT'S NAME

---

PAGE LINE CORRECTION

REASON

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Tzer Nan Waters